

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

v.

AT&T SERVICES INC., ET AL.,

Defendants,

ERICSSON INC.,
NOKIA OF AMERICA CORPORATION,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP

LEAD CASE

SECOND JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order, Plaintiff XR Communications, LLC, dba Vivato Technologies (“Vivato”), Defendants AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp. (“AT&T”), Verizon Communications, Inc., Cellco Partnership d/b/a Verizon Wireless (“Verizon”), and T-Mobile USA, Inc., (“T-Mobile”) (together, “Defendants”), and Intervenors Ericsson Inc. (“Ericsson”) and Nokia of America Corporation (“Nokia”) (together, “Intervenors”) (collectively, the “Parties”) respectfully submit the following Second Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))

The parties agree on the following claim constructions with respect to U.S. Patent Nos. 11,777,569 and 11,750,256.

Claim Term	Agreed Construction
“transmission peak(s)” ’256 Patent, claims 18, 22, 25 ’569 Patent, claims 12, 16	Plain and Ordinary meaning, wherein the plain-and-ordinary meaning is “portions of one or more spatially distributed patterns of electromagnetic signals where transmissions of significant energy are selectively directed”

Claim Term	Agreed Construction
“transmission nulls” '256 Patent, claims 18, 22, 25 '569 Patent, claims 12, 17	Plain and ordinary meaning, wherein the plain-and-ordinary meaning is “portions of a transmission pattern where transmissions of no or insignificant energy are selectively directed.”

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))

The parties do not dispute the construction of any terms in U.S. Patent Nos. 11,777,569 and 11,750,256.

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))

The parties do not require a claim construction hearing for U.S. Patent Nos. 11,777,569 and 11,750,256.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))

No party proposes to call witnesses at a claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: November 4, 2024

Respectfully submitted,

/s/ Reza Mirzaie
Reza Mirzaie

California Bar No. 246953
rmirzaie@raklaw.com
Neil Rubin
nrubin@raklaw.com
Paul A. Kroeger
California Bar No. 229074
pkroeger@raklaw.com
Philip X. Wang
California Bar No. 262239
pwang@raklaw.com
James N. Pickens
California Bar No. 307474
Adam Hoffman
ahoffman@raklaw.com
Jacob Buczko
jbuczko@raklaw.com
Minna Chan
mchan@raklaw.com
Christian Conkle
cconkle@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

*Counsel for Plaintiff XR Communications
LLC dba Vivato Technologies*

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 1700
Atlanta, Georgia 30309
Telephone: (404) 253-6900

Elissa Sanford
esanford@duanemorris.com
DUANE MORRIS LLP
901 New York Avenue NW
Suite 700 East
Washington, D.C. 20001-4795
Telephone: (202) 776-5231

William A. Liddell
waliddell@duanemorris.com
DUANE MORRIS LLP
2801 Via Fortuna
Suite 200
Austin, Texas 78746-7567
Telephone: (512) 277-2272
Facsimile: (512) 227-2301

Deron R Dacus
THE DACUS FIRM, PC
821 ESE Loop 323
Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
Email: ddacus@dacusfirm.com

*Attorneys for Defendants
AT&T Services, Inc., AT&T Mobility LLC,
and AT&T Corporation*

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 1700
Atlanta, Georgia 30309
Telephone: (404) 253-6900

Elissa Sanford
esanford@duanemorris.com
DUANE MORRIS LLP
901 New York Avenue NW
Suite 700 East
Washington, D.C. 20001-4795
Telephone: (202) 776-5231

William A. Liddell
waliddell@duanemorris.com
DUANE MORRIS LLP
2801 Via Fortuna
Suite 200

Austin, Texas 78746-7567
Telephone: (512) 277-2272
Facsimile: (512) 227-2301

Deron R Dacus
THE DACUS FIRM, PC
821 ESE Loop 323
Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
Email: ddacus@dacusfirm.com

*Attorneys for Defendants
Verizon Communications, Inc. and
Cellco Partnership d/b/a Verizon Wireless*

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 1700
Atlanta, Georgia 30309
Telephone: (404) 253-6900

Elissa Sanford
esanford@duanemorris.com
DUANE MORRIS LLP
901 New York Avenue NW
Suite 700 East
Washington, D.C. 20001-4795
Telephone: (202) 776-5231

William A. Liddell
waliddell@duanemorris.com
DUANE MORRIS LLP
2801 Via Fortuna
Suite 200
Austin, Texas 78746-7567
Telephone: (512) 277-2272
Facsimile: (512) 227-2301

Melissa R. Smith
Texas Bar No. 24001351

GILLAM & SMITH, LLP

303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

*Attorneys for Defendant
T-Mobile USA, Inc.*

/s/ Matthew S. Yungwirth

Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com

DUANE MORRIS LLP

1075 Peachtree Street NE, Suite 1700
Atlanta, Georgia 30309
Telephone: (404) 253-6900

Deron R Dacus

THE DACUS FIRM, PC

821 ESE Loop 323
Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
Email: ddacus@dacusfirm.com

*Attorneys for Intervenor
Ericsson, Inc.*

/s/ Matthew S. Yungwirth

Matthew S. Yungwirth
msyungwirth@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
John R. Gibson
jrgibson@duanemorris.com

DUANE MORRIS LLP

1075 Peachtree Street NE, Suite 1700
Atlanta, Georgia 30309
Telephone: (404) 253-6900

Deron R Dacus
THE DACUS FIRM, PC
821 ESE Loop 323
Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
Email: ddacus@dacusfirm.com

*Attorneys for Intervenor
Nokia of America Corporation*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for the Parties met and conferred to discuss the joint submission pursuant to Local Rule CV-7(h) and the Local Patent Rules. The Parties are jointly submitting the Joint Claim Construction Statement.

/s/ Reza Mirzaie
Reza Mirzaie

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on November 4, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Reza Mirzaie
Reza Mirzaie